



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 7746-99
11 April 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 10 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
10 Mar 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 15 Nov 99
(b) NAVADMIN 148/98
(c) NAVADMIN 132/99
(d) OPNAVINST 1160.6A

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner signed an extension on 9 Oct 1998 for 39 months to continue submarine pay while stationed at NAVCRUITDIST OMAHA NE. Petitioner's EAOS at the time was 15 Oct 1999. Reference (b) did not list a zone "B" SRB entitlement MM(0000) or the MM(4230) rate/NEC at the time.

- Reference (c), released on 30 Apr 99 with an effective date of 1 May 99 listed a zone "B" SRB entitlement for the MM(4230) rate/NEC.

- Petitioner requests to cancel 39 month extension signed on 9 Oct 1998 and effect a reenlistment on 15 Oct 99 to receive the zone "B" SRB entitlement in reference (c).

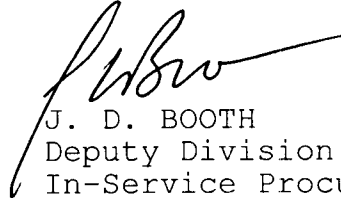
- NAVY PERSONNEL COMMAND/OPNAV cannot provide information pertaining to subsequent SRB NAVADMIN's until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to signing the 39 month extension. Petitioner's hindsight is not sufficient grounds to expunge the 9 Oct 98 extension as no error or injustice was committed.

- Petitioner's ADSD is 19 Jun 1990. Therefore, petitioner will be passing through the zone "B" window of eligibility on 18 Jun 2000 at his 10 year active service point. Reference (d) provides an early SRB window during the month of passing through zone and on or before the date of passing through zone. Additionally, per reference (d), the zone "B" window is from 6 years of active service to 10 years.

2. In view of the above, recommend petitioner's record remain unchanged.

Subj: BCNR PETITION ICO [REDACTED]

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


J. D. BOOTH
Deputy Division Director
In-Service Procurement &
Transfers Division